

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JAN 11 2016

Clerk, U.S. District Court
District Of Montana
Billings

RONALD O. LATRAY,

Petitioner,

vs.

SHERIFF LINDER; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 15-137-BLG-SPW

ORDER

Petitioner Ronald Latray applied for writ of habeas corpus under 28 U.S.C. 2254. (Doc. 1). Latray is a state prisoner proceeding pro se. United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations in this matter on December 23, 2015, in which she recommended that Latray's Petition be dismissed without prejudice. (Doc. 4).

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Judge Ostby's Findings and Recommendations were due 14 days after their filing. No objections were filed. When neither party objects, this Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and

Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:


1. Judge Ostby's Findings and Recommendations (Doc. 4) are ADOPTED IN FULL.

2. Latray's Petition (doc. 1) is DISMISSED WITHOUT PREJUDICE for failure to exhaust remedies.

3. The Clerk of Court is directed to close the matter and enter judgment pursuant to Rule 58 of the Federal Rules of Procedure.

4. Pursuant to Rule 11(a) of the Rules Governing § 2254 proceedings, a certificate of appealability is DENIED.

DATED this 11th day of January 2016.


SUSAN P. WATTERS
United States District Judge